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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL J. WELLS,
Plaintiff,

v.

ISABELLA GUZMAN, in her official
capacity as the Administrator of the U.S.
SMALL BUSINESS
ADMINISTRATION, DOES 1-10; ROE
CORPORATIONS I through X,
Defendants.

Case No. 3:19-cv-00407-MMD-CLB

**DEFENDANT’S MOTION FOR
EXTENSION TO FILE RESPONSE TO
AMENDED COMPLAINT
(First Request)**

Defendant Isabella Guzman (“Defendant”) hereby moves for a 45-day extension, until February 3, 2022, to file a response to Plaintiff’s amended complaint (ECF No. 43). This motion is supported by Federal Rule of Civil Procedure 6(b)(1)(A) and Local Rule IA 6-1.

BACKGROUND

Plaintiff Michael J. Wells (“Plaintiff”) brought this action relating to a contractual dispute involving the United States Small Business Administration. (ECF No. 1). On February 1, 2021, Defendant moved to dismiss Plaintiff’s complaint, or alternatively, for summary judgment in the case. (ECF No. 33). On September 28, 2021, the Court granted

Plaintiff leave to file an amended complaint. (ECF No. 42). Plaintiff filed that amended complaint on October 19, 2021, asserting six claims: breach of contract; breach of the implied covenant of good faith and fair dealing; equitable subrogation; procedural due process; declaratory relief/judgment; and injunctive relief. (ECF No. 43). Defendant's response to Plaintiff's amended complaint is due on December 20, 2021.

ARGUMENT

For several reasons, a 45-day extension to file Defendant's response to Plaintiff's amended complaint is warranted. First, the parties are attempting to settle the case, but attorneys who are required to authorize any settlement are out of the office for the holidays. (Vance Decl. ¶ 3). Second, defense counsel's office recently lost a number of attorneys and staff. As a result, defense counsel is handling a higher-than-normal caseload. (*Id.*). Third, Plaintiff's amended complaint presents unique and novel issues that require considerable research and investigation to meaningfully evaluate. (*Id.*). Fourth, only a limited number of attorneys and support staff may work in defense counsel's office at any given time due to the pandemic, thereby slowing the time it takes to process and complete required tasks. (*Id.*). Fifth, defense counsel faces multiple filing deadlines in several cases before both the district court and Ninth Circuit. (*Id.*). Lastly, defense counsel's office continues to be inundated with a higher-than-normal number of immigration cases. (*Id.*). The deadlines in those cases are shortened and require prompt action which inhibits defense counsel's ability to focus on her regularly-assigned duties. (*Id.*). Under the circumstances, good cause exists for an extension to allow Defendant a meaningful opportunity to review Plaintiff's amended complaint and file a response *See* Fed. R. Civ. P. 6(b)(1)(A) ("When an act may or must be done within a specified time, the court may, *for good cause*, extend the time...with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]") (emphasis added).

This is Defendant's first extension request. *See* LR IA 6-1 (must advise of previous extension requests). Defense counsel called Plaintiff's counsel to get his position on this extension request, but he is out of the office this entire week. (Vance Decl. ¶ 4). However,

1 defense counsel and Plaintiff's counsel have always stipulated to their respective extension
2 requests in the past. (*Id.*).

3 **CONCLUSION**

4 For the reasons argued above, Defendant respectfully requests that the deadline to
5 file her response to Plaintiff's amended complaint be extended by 45 days—until February
6 3, 2022.

7 DATED: December 20, 2021

Respectfully submitted,

8 CHRISTOPHER CHIOU
9 Acting United States Attorney

10 s/ Holly A. Vance

11 HOLLY A. VANCE
12 Assistant U.S. Attorney
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14 IT IS SO ORDERED.

15 Dated: December 20, 2021

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18 UNITED STATES MAGISTRATE JUDGE
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Attorneys for Isabella Casillas Guzman

MICHAEL J. WELLS,

Plaintiff,

V.

ISABELLA CASILLAS GUZMAN, in her
official capacity as the Administrator of the
U.S. SMALL BUSINESS
ADMINISTRATION, *et al.*,

Defendants.

Case No. 3:19-cv-00407-MMD-CLB

**DECLARATION OF HOLLY A.
VANCE IN SUPPORT OF MOTION
FOR EXTENSION OF TIME**

I, Holly A. Vance, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I serve as an Assistant United States Attorney with the United States Department of Justice, United States Attorney's Office in Reno, Nevada. I have served in that capacity since October 20, 2008.

2. I have been assigned to defend the lawsuit entitled *Wells v. Guzman*, 3:19-cv-00407-MMD-CLB. I provide this declaration in support of Defendant's motion for extension to respond to Plaintiff's amended complaint (ECF No. 43).

3. For several reasons, a 45-day extension to file Defendant's response to Plaintiff's amended complaint is warranted. First, the parties are attempting to settle the case, but attorneys who are required to authorize any settlement are out of the office for the

1 holidays. Second, defense counsel's office recently lost a number of attorneys and staff. As
2 a result, defense counsel is handling a higher-than-normal caseload. Third, Plaintiff's
3 amended complaint presents unique and novel issues that require considerable research and
4 investigation to meaningfully evaluate. Fourth, only a limited number of attorneys and
5 support staff may work in defense counsel's office at any given time due to the pandemic,
6 thereby slowing the time it takes to process and complete required tasks. Fifth, defense
7 counsel faces multiple filing deadlines in several cases before both the district court and
8 Ninth Circuit. Lastly, defense counsel's office continues to be inundated with a higher-than-
9 normal number of immigration cases. The deadlines in those cases are shortened and require
10 prompt action which inhibits defense counsel's ability to focus on her regularly-assigned
11 duties.

12 4. Defense counsel called Plaintiff's counsel to get his position on this
13 extension request, but he is out of the office this entire week. However, defense counsel
14 and Plaintiff's counsel have always stipulated to their respective extension requests in the
15 past.

16 I declare under penalty of perjury that the foregoing is true and correct based on my
17 personal knowledge.

18 Executed this 20th day of December, 2021 in Reno, Nevada.

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20 /s/ Holly A. Vance _____
21 HOLLY A. VANCE
22 Assistant United States Attorney
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 MICHAEL J. WELLS,

11 Plaintiff,

12 v.

13 ISABELLA GUZMAN, in her official
14 capacity as the Administrator of the U.S.
15 SMALL BUSINESS
ADMINISTRATION, DOES 1-10; ROE
CORPORATIONS I through X,

16 Defendants.
17

Case No. 3:19-cv-00407-MMD-CLB

**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION FOR
EXTENSION TO FILE RESPONSE TO
AMENDED COMPLAINT**

18 IT IS HEREBY ORDERED that Defendant Isabella Guzman shall have a 45-day
19 extension, up to and until February 3, 2022, to file a response to Plaintiff's amended
20 complaint (ECF No. 43).

21 DATED: _____, 2021

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23 _____
UNITED STATES DISTRICT JUDGE
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